

1fw

Attorney Docket No. P003 C4

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 8/27/04

Signature: Abby Berghella (Abby Berghella)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	John F. Shanley		
Serial No.:	10/726,605	Art Unit:	3731
Filed:	December 4, 2003	Examiner:	Unassigned
For:	EXPANDABLE MEDICAL DEVICE WITH CURVED HINGE		

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ A PTO-Form 1449 listing all patents, publications, applications, or other information submitted for consideration by the office.
- 1b. A legible copy of :
- ☒ Each publication and foreign patent reference;
- ☐ Each publication or that portion which caused it to be listed on the PTO-1449;
- ☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
- ☐ all other information or portion which caused it to be listed on the PTO-1449.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☒ Before the mailing of the first Office action on the merits;
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.
- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.
- The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:
- ☐ enclosed.

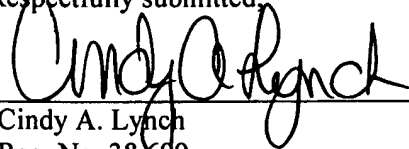
The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)
- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.

- 5c. ☐ Pursuant to 37 C.F.R. §1.704(d), each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not **received** by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this information disclosure statement.
6. ☒ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).
- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. _____, filed on _____, of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☒ Copies of the foreign patents and publications listed on Form PTO-1449 are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement.
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on _____. A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on _____.
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Conor Medsystems, Inc. Deposit Account No. 50-3100.

10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,



Date: August 27, 2004

Cindy A. Lynch
Reg. No. 38,699
Conor Medsystems, Inc.
1003 Hamilton Court
Menlo Park, CA 94025
(650) 614-4100

Substitute for forms 1449A/PTO & 1449B/PTO

FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P003 CH

Application No.

10/726,605

Applicant

SHANLEY

Filing Date

12-4-03

Group

3131

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-20020038145		Jang	
	US-20020038145		Jang	3/28/02
	US-20020068969		Shanley et al.	
	US-20020082680		Shanley et al.	06-27-02
	US-20020198593		Gomez et al.	
	US-20030068355		Shanley et al.	
	US-20030199970		Shanley	
	US-20040002753		Burgermeister et al.	
	US-20040122505		Shanley	06-24-04
	US-20040144506		Shanley et al.	06-24-04
	US-5102417		Palmaz	
	US-5195984		Schatz	
	US-5443496		Schwartz et al.	
	US-5449373		Pinchasik et al.	
	US-5545210		Hess et al.	
	US-5607442		Fischell et al.	
	US-5643312		Fischell et al.	
	US-5697971		Fischell et al.	
	US-5759192		Saunders	
	US-5807404		Richter	
	US-5817152		Birdsall et al.	5/20/1995
	US-5843120		Israel et al.	
	US-5843175		Frantzen	
	US-5853419		Imran	

Examiner Initials		Date Considered	
----------------------	--	--------------------	--

Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and no considered. Include copy of this form with next communication to applicant. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-

Substitute for forms 1449A/PTO & 1449B/PTO FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Attorney's Dkt. No. <u>P003 C4</u>	Application No. <u>10/726,605</u>
	Applicant <u>SHANLEY</u>	
	Filing Date <u>12-4-03</u>	Group <u>3731</u>

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-5855600		Alt	
	US-5868781		Killion	
	US-5879370		Fischell et al.	
	US-5902332		Schatz	
	US-5922020		Klein et al.	
	US-5922021		Jang	
	US-5954743		Jang	
	US-5964798		Imran	
	US-5980552		Pinchasic et al.	
	US-6019789		Dinh et al.	
	US-6039756		Jang	
	US-6086604		Fischell et al.	
	US-6152957		Jang	
	US-6210429		Vardi et al.	
	US-6235053		Jang	
	US-6241760		Jang	
	US-6241762		Shanley	
	US-6293967		Shanley	
	US-6325826		Vardi et al.	
	US-6409761		Jang	
	US-6488703		Kveen et al.	
	US-6547817		Fischell et al.	
	US-6562065		Shanley	
	US-6602282		Yan	

Examiner Initials		Date Considered	
----------------------	--	--------------------	--

Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and no considered. Include copy of this form with next communication to applicant. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-

Substitute for forms 1449A/PTO & 1449B/PTO FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Attorney's Dkt. No. <u>P003 C4</u>	Application No. <u>10/726,605</u>
	Applicant <u>SHANLEY</u>	
	Filing Date <u>12-4-03</u>	Group <u>3131</u>

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (mm-dd-yyyy)
	US-6679911		Burgermeister	
	US-6706061		Fischell et al.	

Examiner Initials		Date Considered	
----------------------	--	--------------------	--

• Substitute for forms 1449A/PTO & 1449B/PTO

FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P003 CH

Application No.

10/726,605

Applicant

SHANLEY

Filing Date

12-4-03

Group

3131

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Publication Date (mm-dd-yyyy)	Translation	
					Yes	No
	EP-0364787		EP	4/25/90		
	EP-0540290		EP	5/5/93		
	EP-0734699		EP	10/2/96		
	EP-0807424		EP	11/19/97		
	EP-0828461		EP	3/18/98		
	EP-1222941		EP	07/17/02		
	WO-0071054		PCT	11/30/00		
	WO-04043510		PCT	05/27/04		
	WO-04043511		PCT	05/27/04		
	WO-9603092		PCT	2/8/96		
	WO-9704721		PCT	2/13/97		
	WO-9805270		PCT	02/12/98		
	WO-9858600		PCT	12/30/98		
	WO-9915108		PCT	4/1/99		
	WO-9936002		PCT	7/22/99		
	WO-9949928		PCT	10/7/99		

Examiner
InitialsDate
Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and no considered. Include copy of this form with next communication to applicant. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-

Substitute for forms 1449A/PTO & 1449B/PTO

FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney's Dkt. No.

P003 CH

Application No.

101726, 605

Applicant

Shanley

Filing Date

12-4-03

Group

3731

NON PATENT LITERATURE DOCUMENTS

Examiner
Initials

Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

SHIGERU FURUI, M.D., et al.; "Hepatic Inferior Vena Cava Obstruction: Treatment of Two Types with Gianturco Expandable Metallic Stents"; Radiology 1990; 176:665-670; Radiological Society of North America, Inc., Oaks Brook, IL, USA

Examiner
InitialsDate
Considered